

Prepared Statement of Ranking Member Richard Burr
Nomination of Dr. Miguel Cardona, U.S. Secretary of Education

February 3, 2021

Thank you, Chair Murray, I am grateful to my colleagues for the opportunity to lead this important committee at such a critical time in our nation.

This committee has a great bipartisan legacy I expect we will continue.

And you and I have some experience running the Veterans Affairs Committee together, so I look forward to continuing to build on that relationship.

My main priority for this committee is health care.

We should all – Senators and staff and the Administration - anticipate spending more time than you can imagine on the response to COVID-19 and to make sure we're better prepared for the next one. This includes looking at supply chains and making sure we make in the U.S. what we need to – not through burdensome requirements but incentives.

We also need to work to make sure the United States research enterprise is aware of, and better prepared for, threats from our enemies.

We need to continue to prioritize enabling and incentivizing private sector innovation. We've seen what the private sector can do – a vaccine developed and authorized less than a year after a novel virus was discovered should become the norm.

FDA has shown incredible speed and flexibility, and the FDA user fee reauthorization discussion later this Congress is a good chance to examine how that speed and flexibility can help in the fight against serious conditions where no treatments exist today. If we can speed bureaucracy up and not abandon the gold standard of safety and efficacy, with as much money as the FDA already has, I want to know why we can't have that be the new baseline expectation.

And we will need to conduct vigorous oversight. While I'm sure that many of my Democrat friends will just want to blame the last Administration for every problem, and we know they made their share of mistakes, but we also need to dig deeper into the laws and agencies that we have created to see what needs to be fixed. For example, if it wasn't for the cultural arrogance of the bureaucracy at the CDC, we might have had diagnostic tests a lot sooner.

We need to fix the problems that have been exposed not just blame the last group that was there.

I hope to be able to be a partner in getting President Biden's cabinet quickly operational with fair, qualified candidates who have submitted necessary committee paperwork and forms from the Office of Government Ethics in the time frame that Sen. Murray and her colleagues requested for President Trump's nominees.

We won't always agree on which nominations meet those goals, and I think you'll see the difference in who we have this week and who is testifying before us next week.

Turning to Dr. Cardona, welcome. Congratulations on your nomination.

You've been asked to lead the Education Department in a very challenging time.

You've had a meteoric rise from a classroom teacher to principal to superintendent of the small state of Connecticut. You should be proud of that, and I'm glad the President has nominated you to this position.

Millions of children are stuck at home, trying to learn. Parents are at their wits end and the adults running public schools across our country are failing to actually follow the science and open schools safely.

CDC experts just released a paper in the Journal of American Medical Association on January 26 that said "...the preponderance of available evidence from the fall school semester

has been reassuring insofar as the type of rapid spread that was frequently observed in congregate living facilities or high-density worksites has not been reported in education settings in schools.”

That says to me we should be seriously talking about reopening schools as quickly as possible. That’s what the science tells us. And it’s what students need.

The CDC experts went on to say that “all recommended mitigation measures in schools must continue: requiring universal face mask use, increasing physical distance by dedensifying classrooms and common areas, using hybrid attendance models when needed to limit the total number of contacts and prevent crowding, increasing room air ventilation, and expanding screening testing to rapidly identify and isolate asymptomatic infected individuals.”

In the 5 COVID bills we passed last year, Congress has provided over 67 billion dollars for k-12 and 36 billion dollars for higher education. That’s in addition to regular appropriated dollars for these activities and that’s also on top of the hundreds of billions from state and local sources.

We need schools to reopen safely and stay open safely.

While that was considered partisan and dangerous when some suggested it last year, since President Biden won, and over 1 million vaccines from Operation Warp Speed being delivered daily, more folks have changed their tune and I welcome that.

COVID-19 related school closures have led to significant learning loss and we need to get caught up and help all of our students.

But one-size-fits all requirements from Washington will only further hurt the situation.

So I hope that you refrain from the mistake that too many of your predecessors made -- which is that just because you have a good idea that everyone else should follow it.

Each school district, college, university, community college, state, and community faces a different pandemic and different circumstances. Trying to treat them as a monolith, instead of providing flexible advice for states and localities to use if applicable and useful, would be a mistake.

I hope you follow the examples of Richard Riley and Lamar Alexander, both former governors and one the former chairman of this committee, and recognize that you can't run our nation's schools or colleges from Washington.

But you can inspire them and help them.

Finally, we are going to have to have an adult conversation about academic testing for this school year. While we do need to know how much educational harm has happened, I'm not sure that the federal accountability system and existing state tests are the right thing in this moment.

I understand that the Department of Education sent a letter last week to chief state school officers saying the previous February 1st deadline for seeking waivers was being extended. However, it didn't set a new deadline.

I hope that you, and my colleagues in the Senate, are willing to engage in a conversation about whether we need to pause for one more year the accountability and testing requirements as we grapple with the pandemic.

I also want to caution you, and especially some of the staff that will show up at the Department, that the law does not give you authority to impose a bunch of conditions on states seeking these waivers. Some of your predecessors thought they could use the need for waivers to bully states into submission on some of their preferred policy objectives that weren't in the law. The law does not allow you to do that and I hope you will respect those limitations.

Let me turn to student loans, last year Congress acted to pause loan repayments for all borrowers as we grappled with the coronavirus. Then the Trump Administration and now the Biden Administration have extended that pause. So borrowers have certainty for a long time.

But I'm not eager to see the Biden Administration pursue a dangerous and foolhardy proposal to simply forgive student debt.

The claims by some that the Higher Education Act allows this would stretch the law beyond recognition.

I hope that you and the White House don't pursue that.

Instead I invite you to work with Republicans and Democrats in the Senate to pass legislation that dramatically simplifies student loan repayment options, allows borrowers to pay what they can reasonably afford capped at 10% of their discretionary income, and have their loans forgiven after 20 years.

That is bipartisan legislation I have previously introduced with Sen. Angus King, and I'm sure we'd be happy to work with the Administration and you to pass that into law in the next 100 days.

But I will oppose any effort to simply move debt from borrowers onto the taxpayers.

I plan to conduct rigorous oversight, especially of the response to COVID-19, and will ask fair, but difficult and probing questions on the decisions you make and the way the agency operates. I will expect honest, complete, and timely answers. I hope you can commit to working with me on that.

I expect by the end of this hearing I will be able to support your nomination and encourage my colleagues to support you as well and I look forward to working with you.